

But like I said earlier, I don't want to blame anyone today. Certainly, with all the misinformation out there about what I have done and supposedly not done or said during the last few weeks—and I am sure other Senators feel the same—this is not a time to offer a litany of charges with respect to any Member of this body.

My bottom line is this: I hope these efforts, laborious though they have been, can someday soon yield fruit. Toward that end, I thank a number of colleagues. Senator CRAIG has worked in good faith, and certainly closely with me. I hold him in the highest regard. Senator FEINSTEIN, as I have already mentioned, was there night and day working on this issue and I appreciate her efforts. Senator DASCHLE and Senator BINGAMAN went out of their ways to try to accommodate Senator FEINSTEIN and me. For their efforts, I am appreciative, as well.

I chair the Subcommittee on Forests and Public Land Management. In Oregon, we have had tragic fires. I have been consumed by this day after day after day. I wish we were in the Senate today saying we had found the common ground. I think it is possible to do it. The Senate cannot leave this subject for too long and will return to it after this bill is done in some form or another. Too many lives and too many communities will be devastated if the Senate washes its hands of this issue. I am committed to working with all my colleagues, on a bipartisan basis, day after day after day, until this gets done.

I hope one day soon I will be able to come to the floor of the Senate and participate with my colleagues on something that all Members can believe is a positive step forward to make sure these treasures, our forests and lands across this country, are managed properly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

FORESTS

Mr. MURKOWSKI. Madam President, I congratulate my colleague from Oregon and my colleague from California for the effort to try to reach a rationalization relative to the decimation of the forests in the Pacific Northwest.

I am frustrated with regard to the extended negotiations associated with forest health. Any Member, if we are stricken, seeks the very best advice. We do not hold a townhall meeting. We seek out a specialist, a specialist who obviously is well trained, a specialist who bears the brunt of a suit if there is malpractice associated with the care given.

If I may draw a parallel, we have very sick forests. They are sick as a consequence of well-meaning environmental pressures to basically terminate access into the forests, which has always been provided by logging. Many people assume that old growth has al-

ways been. They overlook the reality that a forest is similar in many respects to a field of wheat. If it is harvested, it regenerates.

Depending whether selective logging is used or clearcut logging, the appropriate procedure is reforestation. Reforestation occurs by individually planting trees or it can be done by natural reseeding, which is much the case in my State. But we prolong this argument and take it beyond the realm of addressing in a timely manner the necessary correction. The necessary correction associated with our forests as a consequence of the tremendous exposure of fires is the management of underbrush that is predominant in the second growth. If that is not cleared, why, clearly we expose ourselves to complications associated with a huge fire moving through an area very rapidly and the inability to go in and fight it because we have eliminated access in much of our national forest.

So I beseech my colleagues to consider the ramifications. Let's make these decisions not on emotion; let's make them on the best forest management practice. We have foresters who spend a lifetime in the area of forest health. We have to listen to those people; otherwise, we are kidding ourselves and we are kidding the public. We should be taken to task by the public for not directing this corrective result.

While well-meaning environmental groups say let nature take its course, that is not, if you will, in the opinion of many of us, the appropriate procedure. We can help nature. We can help our forests. The forests are there, and we should recognize that we use the forests. They are a place of recreation; they are a place of productivity. If we have fires, we should take what the salvage capabilities are in the forests and move that timber out while it still has some value.

It is very frustrating to the Senator from Alaska. We have fires in the interior. The Tongass is a very wet area and we have few fires. But to see this debate go on and on with no conclusion, no recognition that decisions should be made on the basis of forest health, is extremely frustrating. I hope my colleagues will consider the bottom line. Let's make a decision on what is good for forest health.

DRAFT JOINT RESOLUTION TO AUTHORIZE THE USE OF U.S. ARMED FORCES AGAINST IRAQ

Mr. MURKOWSKI. Madam President, I am going to briefly turn to another matter, and that is the recognition that today OPEC announced they were not going to increase the production of oil from the OPEC nations. What does this mean? It simply means that as we look at going into a showdown with Iraq, the Mideast nations that control oil—basically OPEC—are not going to increase production. That means to the American consumer a continuation of

high gasoline prices, high oil prices, perhaps well beyond \$30 a barrel.

We have seen the development of that cartel over a period of time. It initiated a program that said, in effect, if the price fell below \$22 a barrel, they would reduce supply to stabilize the price. They wanted a price structure of \$22 to \$28. That puts a tremendous burden on the structure of our society and our economy.

It is rather revealing to recognize that as we continue to address our situation with Iraq, we also continue to import oil from Iraq. I think currently we are importing about 600,000 barrels from Iraq each day.

We have delivered from the White House to the Speaker, majority leader, minority leader, as well as the House minority leader, a transmittal, which is the consequences of discussions with the President, identifying a suggested form of resolution with respect to Iraq. I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 19, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

Hon. THOMAS A. DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT, LEADER DASCHLE, LEADER LOTT, AND LEADER GEPHARDT, As a follow-up to your discussion yesterday morning with the President, we enclose a suggested form of resolution with respect to Iraq. We stand ready to meet with you or your staffs to discuss our proposal.

As the President indicated to you, it is our hope that we can reach early agreement on the proposal at the leadership level to allow you to proceed to consider the resolution in your respective chambers as soon as possible.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President for Legislative Affairs.

ALBERTO R. GONZALES,
Counsel to the President.

JOINT RESOLUTION TO AUTHORIZE THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

Whereas Congress in 1998 concluded that Iraq was then in material and unacceptable breach of its international obligations and thereby threatened the vital interests of the United States and international peace and security, stated the reasons for that conclusion, and urged the President to take appropriate action to bring Iraq into compliance with its international obligations (Public Law 105-235);

Whereas Iraq remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations, thereby continuing to threaten the national security interests of the United States and international peace and security;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population, including the Kurdish peoples, thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations;

Whereas the United States has the inherent right, as acknowledged in the United Nations Charter, to use force in order to defend itself;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the high risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify the use of force by the United States in order to defend itself;

Whereas Iraq is in material breach of its disarmament and other obligations under United Nations Security Council Resolution 687, to cease repression of its civilian population that threatens international peace and security under United Nations Security Council Resolution 688, and to cease threatening its neighbors or United Nations operations in Iraq under United Nations Security Council Resolution 949, and United Nations Security Council Resolution 678 authorizes use of all necessary means to compel Iraq to comply with these "subsequent relevant resolutions";

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) has authorized the President to use the Armed Forces of the United States to achieve full implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677, pursuant to Security Council Resolution 678;

Whereas Congress in section 1095 of Public Law 102-190 has stated that it "supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq (Public Law 102-1)," that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress "supports the use of all necessary means to achieve the goals of Resolution 688";

Whereas Congress in the Iraq Liberation Act (Public Law 105-338) has expressed its sense that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40); and

Whereas the President has authority under the Constitution to use force in order to defend the national security interests of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Further Resolution on Iraq".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

Mr. MURKOWSKI. This contains a number of "whereas's." It is transmitted by the Assistant to the President for Legislative Affairs and the Counsel to the President. At the conclusion of the resolution that is going to be before this body is a joint resolution cited as "Further Resolution on Iraq." I will read the "resolved" portion:

The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce United Nations Security Council Resolutions referenced above, defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security in the region.

We undoubtedly will be addressing this issue in the very near future. I encourage my colleagues to recognize the significance of what this obligation means to each and every Member of the Senate. We know Saddam Hussein is unpredictable. We know he is dangerous. We know he has weapons of mass destruction. We know he has used those weapons—certainly chemical warfare—on his own people.

I had an opportunity several years ago, with a small group of Senators, to visit Baghdad. Later we had an opportunity to meet with Saddam Hussein. His ruthlessness was apparent at that time.

To reflect a little bit on that particular time, there was at issue an allegation that Iraq was importing a delivery capability consisting of a huge cannon-type device that had been intercepted in the docks of London. This was going to have the capability of delivering a projectile farther than any projectile had ever been delivered by conventional methods, as opposed to a missile-type system.

There was allegedly a triggering device also found on the docks of London.

When we confronted Saddam Hussein, he advised us these were parts for his refinery, these were technical developments by the Baghdad Institute of Technology. This was prior to the Persian Gulf war.

My point is, he has been misleading, if you will, the Western World for an extended period of time and continues to do so. The announcement he made that he would welcome U.N. inspectors is a guise. He will not allow U.N. inspectors to have free rein in his country, and we will clearly see this as we continue the process of evaluating our position.

But we have an opportunity now to fish or cut bait. We are going to have this resolution before us. I encourage each and every Member of the Senate to review it in detail and recognize the insecurity of our Nation oil supply. Currently, we are importing somewhere close to 60 percent of our oil, primarily from the Mideast. We have the capability of reducing that dependence here at home. It is an issue in my State. ANWR has been debated in this Chamber. It has been supported by the House but not the Senate.

The technology that we have to develop this area is evident. To suggest we can do it safely is something that most people with an objective view would recognize clearly. The reserves are as much as we would import from Saddam Hussein in 40 years or from Saudi Arabia in 30 years.

This matter is in the conference. It is being discussed. It will be determined by the conference as to what the disposition will be. But I encourage Members to recognize that we have an opportunity to take a position that would affirmatively reduce our dependence on imported oil and send a very strong message to the Mideast that we intend to reduce that dependence.

Recognize that we do have an alternative. I think in future times, as we address our continued vulnerability and dependence on the Mideast, we are going to have to assert ourselves to find some relief. That relief partially might be in the joining together of Canada, Mexico, the United States, Alaska, and Russia as an offset to our dependence on imported oil from the Mideast. While we do not have the depth of reserves, we have substantial reserves collectively. The idea of an energy group made up of those nations could clearly send a message to the Mideast that we will not be held hostage by policies of the cartel which are designated to simply maintain high prices for oil by continuing to keep the availability of oil at a minimum.

As this matter comes before the Senate for further discussion and consideration, as well as the conference, I urge my colleagues to keep an open mind and recognize that, again, we are going to have to vote not on what is necessarily the litany of America's environmental community but what is right for America. To suggest we should not have these jobs in the

United States as if we do not have the technical capability to open up this area safely is not fraught with any degree of accuracy but it is simply misleading arguments that environmental groups continue to use to generate revenue in dollars.

I encourage each Member to recognize the obligation that we have. That obligation is do what is right for America. What is right for America is to produce more energy and and to produce clean energy here at home.

One of the inconsistencies we have is that nobody seems to really care where they get the oil as long as they get it. They do not concern themselves with whether it comes from a scorched Earth, lack of any environmental oversight a field in Iraq, or from fields in Saudi Arabia, or from the rain forests of Colombia. They only care if they get it.

As I have said time and time again, the world will continue to depend on oil, because that is what the world moves on. We have no other alternative.

Some people suggest we have alternatives, but hot air is not going to move us in an out of Washington, DC, although occasionally there is quite a bit of it here.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the order previously entered, the Senator from Connecticut is entitled to the floor. I ask unanimous consent that Senator KERRY be recognized, and that he be allowed to speak for—how long does the Senator from Massachusetts wish to speak?

Mr. KERRY. A few minutes.

Mr. REID. Up to 15 minutes.

Mr. KERRY. Not more.

Mr. REID. And following that, I would advise the Senate that we will be in a position, at that time, to ask unanimous consent to proceed with legislation today, tomorrow, and Monday, and maybe into Tuesday. The two leaders have worked this out. It is now being drafted, and the two floor staffs have agreed on what the language should be. It is being typed now, and we should be back in 15 minutes, following the statement from the Senator of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the business before the Senate is the homeland security bill; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Does the clerk need to report that or is it automatic?

The PRESIDING OFFICER. The clerk does not need to report that.

The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Mr. President, thank you very much. And I thank the distinguished assistant majority leader.

UNANIMOUS CONSENT REQUEST— S. 2734

Mr. KERRY. Mr. President, I am going to be asking unanimous consent to proceed forward on the bill, but I am not going to do that until someone is here from the other side. And I know they are going to object, or most likely will object.

But let me bring to the attention of my colleagues in the Senate a situation that is not dissimilar to a situation we faced some months ago in trying to provide emergency assistance, under the Small Business Administration, to those who had been affected by the events of September 11 of last year.

We had a lot of small businesses in the country that were hurting that had collateral damage, if you will, as a consequence of those events. Many, many small businesses were dependent on the economy as it flows through all sectors. So whether it was a small dry-cleaner that was affected because they were not doing as much business because hotels were not doing as much business or a limousine company or a taxi company, there are many people who were affected tangentially because of the dropoff in air travel, and so forth.

It took us a number of months, almost six, unfortunately, in the Senate to respond in a way that many of us thought was both appropriate and adequate. And, again, we are sort of running into a strange kind of unexplained resistance by the administration to something that makes common sense, is very inexpensive but also very necessary for a lot of small entrepreneurs in our country. I am specifically referring to the Small Business Drought Relief Act.

In more than 30 States in our country, we have a declared drought emergency. And the drought is as significant in some places as it was during the great Dust Bowl years of the Depression in the United States.

Drought hurts more than farmers, more than ranchers. The purpose of this bill is to try to provide some emergency assistance, in an affordable and sensible way, for those small businesses that are not in agricultural-related fields but desperately cannot get help, and need it, and cannot get it because the SBA does not apply the law uniformly for all victims of drought.

The SBA makes disaster loans to small businesses related to agriculture that are hurt by drought, but they are turning away small businesses that are in industries unrelated to agriculture, and claiming that those businesses are

not entitled to it because drought does not fit the definition of disaster.

That is just wrong. It is wrong because the law does not restrict them from making loans to those small businesses. It is wrong because that is not the intent of the Congress to turn away those small businesses, and they should be following the law and following the intent of Congress.

I might add that the SBA has in effect right now disaster declarations in 30 States that I just talked about. For instance, in South Carolina, the entire State has been declared a disaster by the SBA, but the administration is not helping all of the drought victims in South Carolina that are looking for help.

Let me share with you the declaration of drought itself. It addresses this question of intent.

Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA.

Let me read to you from the declaration:

Small businesses located in all 46 counties may apply for economic injury disaster loan assistance through the SBA. These are working capital loans to help the business continue to meet its obligations until the business returns to normal conditions. . . . Only small, non-farm agriculture dependent and small agricultural cooperatives are eligible to apply for assistance. Nurseries are also eligible for economic injury caused by drought conditions.

What do I mean by other businesses that may be affected by drought? In South Carolina, conditions are so bad that small businesses dependent on lake and river tourism have seen their revenues drop anywhere from 17 to 80 percent. So you have victims of the drought that range from fish and tackle shops to rafting businesses, from restaurants to motels, from marinas to gas stations. Their livelihood is no less impacted and no less important than those who have been deemed to fit under only the agricultural definition.

Thousands of small businesses make their living in tourism, recreation industries, not just in South Carolina but in many other parts of the country, including my State of Massachusetts, in Texas, Michigan, Delaware, and elsewhere.

In fact, for a lot of States around the Great Lakes Basin, sport fishing, as reported by the Committee on Small Business and Entrepreneurship, brings into the region some \$4 billion a year. There are many industries that are dependent on water that are affected by drought, and they ought to be eligible for this help.

Is this opening Pandora's box with respect to a flow of lending that we cannot afford? The answer is definitively no. The SBA already has the authority, but its lawyers have decided not to help these industries based on their own interpretation of a definition, despite the fact that Congress believes otherwise.

That defies both common sense and fairness. Small businesses with everything on the line desperately need this,